

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF TEXAS

3 LAREDO DIVISION

4 UNITED STATES OF AMERICA,) CRIMINAL NO. 5:08-1244-S2
5)
6 vs.) January 27, 2010
7)
8 ARMANDO GARCIA, A.K.A."CACHETES")
9 TN:GERARDO CASTILLO-CHAVEZ,)
10)
11 Defendant.)
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TRANSCRIPT OF ROCKY JUAREZ
BEFORE THE HONORABLE MICAELA ALVAREZ
DISTRICT COURT JUDGE, and a jury

APPEARANCES:

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GOVERNMENT WITNESS:

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1 P-R-O-C-E-E-D-I-N-G-S

2 ROCKY JUAREZ, GOVERNMENT WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MR. USTYNOSKI:

5 Q Mr. Juarez?

6 A Yes, sir.

7 Q Good morning. I'm going to ask you some questions
8 this morning, and if at any time -- oh, you know, I'm
9 sorry we need an interpreter.

10 THE COURT: Okay. I'm sorry. The
11 interpreter, please.

12 THE WITNESS: Gracias.

13 THE COURT: Did you understand the oath?

14 THE WITNESS: Yes, I know English, but
15 not--.

16 THE COURT: So that was -- okay. Fine.

17 MR. USTYNOSKI: I apologize. Can we
18 approach one more time.

19 THE COURT: You may.

20 (At sidebar.)

21 MR. USTYNOSKI: The jury knows him.
22 Recognizes this individual.

23 THE COURT: Okay.

24 MR. USTYNOSKI: Would you like to ask if
25 anybody recognizes him. We'd have to pole them

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1 individually if they do.

2 THE COURT: Right. Yeah.

3 (End of sidebar.)

4 THE COURT: One preliminary matter,
5 ladies and gentlemen. We did not identify this witness
6 during the voir dire as we did with all the other
7 witnesses to ask whether anybody here recognized the
8 witness. So now that he is present here in court, does
9 anybody here recognize this witness? I see everybody
10 shaking this head no. And nobody has answered
11 affirmatively; therefore, we will move forward. Thank
12 you. All right. You may proceed, Mr. Ustynoski.

13 MR. USTYNOSKI: Thank you, Your Honor.

14 ROCKY JUAREZ, GOVERNMENT WITNESS, SWORN
15 DIRECT EXAMINATION

16 BY MR. USTYNOSKI:

17 Q Mr. Juarez, good morning. Again, I'm going to ask
18 you questions there's an interpreter who will be
19 interpreting everything you say and giving us your
20 responses. And I please ask that you just take your
21 time until after I have asked the question because I
22 know you understand some English.

23 A Okay.

24 Q Do you understand, sir?

25 A Yes.

1 Q And lastly, sir, if at any time I ask you a
2 question and you're confused in any way, please let me
3 know. Let the interpreter know, and I will rephrase
4 the question for you.

5 A Fine.

6 Q Okay. And, lastly, please speak loudly into the
7 microphone, sir.

8 A Okay.

9 Q How old are you, sir?

10 A Thirty-four years old.

11 Q And, Mr. Juarez, where were you born?

12 A Laredo, Texas.

13 Q So you're a United States citizen?

14 A Yes.

15 Q And, Mr. Juarez, where did you grow up?

16 A Laredo, Texas and Nuevo Laredo.

17 Q And approximately what year did you move to
18 Mexico?

19 A Like from 2000.

20 Q And why did you move to Mexico?

21 A Because I started getting involved with the Gulf
22 cartel, with the Zetas.

23 Q And when you went over there, what's the main
24 purpose of this organization that you got involved
25 with?

1 A They were in charge of paying off the municipal
2 police officers in Nuevo Laredo, the inspectors.

3 Q Let me rephrase the question, and please speak
4 into the microphone. What's the purpose of the
5 organization that you joined?

6 A Transporters of marijuana and cocaine.

7 Q And what were your responsibilities when you
8 joined the organization?

9 A I was in charge of the police officers, to pay
10 them their, their -- how do you call it? Their
11 payments to them. Payroll.

12 Q Do you know why you were paying them?

13 A For protection, security.

14 Q Okay. And at some point did you leave the
15 organization and come back to the United States?

16 A Yes.

17 Q Can you tell the members of the jury why?

18 A Because at the beginning when I started working
19 with them, everything was calm. And I liked doing
20 that. That is I would send off somebody to help
21 somebody. For example, if somebody got a flat tire or
22 something, and then over time as time went on things
23 started getting complicated.

24 Q What do you mean by complicated?

25 THE COURT: I think that was missed in

1 the translation.

2 MR. USTYNOSKI: I'm sorry, Your Honor, I
3 didn't catch it.

4 THE COURT: What the witness said was
5 that "if somebody had a flat tire, for example, he
6 would send the officials to assist."

7 BY MR. USTYNOSKI:

8 Q Okay. And so when you say that things got a
9 little complicated, what do you mean?

10 A That they became more aggressive, more violent.

11 People started getting more violent more aggressive and
12 that I didn't like.

13 Q And did you move back to the United States?

14 A Yes, I came back to Laredo, Texas.

15 Q And then, sir, at some point around November of
16 2004, did you become involved with signing an agreement
17 to work with the Drug Enforcement Administration?

18 A Yes.

19 Q And then again around January 6th of 2006, about a
20 year and a half later, did you then sign another
21 agreement with the drug enforcement agents with anybody
22 you see in the room today?

23 A Yes, I signed a contract with J.J. Gomez and
24 Mr. Diaz.

25 Q And do you see them in the courtroom today?

1 A Yes.

2 Q Where are they sitting, sir?

3 A Right here.

4 MR. USTYNOSKI: Let the record reflect
5 the witness identified the two individuals sitting at
6 counsel's table, Your Honor.

7 THE COURT: The record will so reflect.

8 MR. USTYNOSKI: Thank you, Your Honor.

9 BY MR. USTYNOSKI:

10 Q And when you say you signed an agreement, what do
11 you understand that agreement to be?

12 A First of all, I could not behave or act as if I
13 were a federal officer.

14 Q And does the word confidential informant mean
15 anything to you?

16 A Yes, well, basically it was everything -- I had to
17 establish a relationship with them and do everything
18 there related to seizing drugs, catching hit men, all
19 of that.

20 Q And did you know when you signed this agreement
21 what organization you were supposed to target for the
22 Drug Enforcement Administration?

23 A It was going to be the Gulf Cartel, the Zetas.

24 Q Okay. And, sir, let me ask you this before I go
25 on: At some point -- sir, around July 1st of 2002,

1 were you arrested for possession of a small amount of a
2 controlled substance?

3 A Yes.

4 Q And do you recall whether you were convicted of
5 that offense?

6 A No, they dismissed the case. I don't know why. I
7 don't know why. They just discharged everything.

8 Q Okay. And pursuant to these agreements that you
9 signed with the Drug Enforcement Administration to work
10 as a confidential informant, can you tell the members
11 of the jury did you receive payments for your work?

12 THE COURT: If you understand--.

13 THE INTERPRETER: If you understand a
14 question, yes, you can answer in English. If you don't
15 understand it can be translated.

16 THE WITNESS: The thing is I do
17 understand some.

18 BY MR. USTYNOSKI:

19 Q And, sir, just again so the record is clear, did
20 you receive payments for your work with the Drug
21 Enforcement Administration?

22 A Yes.

23 Q Okay. Do you know approximately how much, if you
24 know?

25 A Not exactly. But it was around \$200,000 to

1 \$250,000.

2 Q And has it been your main source of income for the
3 past couple of years?

4 A Part of it, yes. Part of it is that I have my job
5 also.

6 Q Okay. And are you married? Do you have any
7 children?

8 A Yes, I'm married. I have children.

9 Q Okay. Now after you started working with the
10 agents that you pointed out this morning, sir, do you
11 recall around January 25th of 2006, right after you
12 started working with Mr. Diaz and Mr. Gomez, do you
13 recall going to Mexico?

14 A Yes.

15 Q And, Mr. Juarez, can you tell the members of the
16 jury why it was that you went to Mexico on January 25?

17 A I was called by somebody by the name of Carreon to
18 prepare everything to bring across a load of
19 approximately 1000 pounds.

20 Q When you got a call to go over there, do you
21 remember any nicknames of the people that you met?

22 A Yes.

23 Q Can you tell the members of the jury any of the
24 names of people that you met when you went over there
25 on January 25, 2006?

1 A Ernesto Estrada, whose name was Pepe. Nickname.
2 AKA Pepe. And Nune Carreon. His nickname was Pepe and
3 also Nune Carreon, and another guy by Juan Carreon.
4 Nickname was Camaron. And another guy Arturo Palencia.
5 And another guy nickname was Flama. And then I don't
6 remember the other guys who were there.

7 MR. USTYNOSKI: May I approach, Your
8 Honor?

9 THE COURT: You may.

10 BY MR. USTYNOSKI:

11 Q Mr. Juarez, I'm going to show you a series of four
12 photographs, which are preliminarily marked
13 Government's Exhibit 172, 173, 205, and 206 for
14 identification. Can you take a moment to look at these
15 four photographs.

16 A It's Nune Carreon.

17 Q Can you tell us the number at the bottom when you
18 refer to the name?

19 A This one way down here?

20 Q Yes, on the bottom right-hand corner.

21 A It's L08-244-S.

22 MR. USTYNOSKI: May I approach, Your
23 Honor?

24 THE COURT: You may.

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1 BY MR. USTYNOSKI:

2 Q Look at what has been marked as Government Exhibit
3 172?

4 A Oh, 172. Yes.

5 Q Tell me the members of the jury do you recognize
6 who is in that photograph?

7 A Yes. Nune Carreon.

8 Q I'm sorry.

9 A It's Nune Carreon.

10 Q And just his nickname?

11 A Nune.

12 Q Showing you what has been preliminarily marked
13 Government Exhibit 173. Do you recognize who is in
14 that photograph?

15 A Arturo Palencia.

16 Q And did Mr. Palencia have a nickname that you know
17 him by?

18 A Palencia.

19 Q Showing you Government's Exhibit 205. Do you
20 recognize, if you do, who is depicted in that
21 photograph?

22 A Camaron.

23 Q Do you know his full name?

24 A Juan Carreon.

25 Q And, lastly, showing you Government's Exhibit 206.

1 Can you tell the members of the jury if you recognize
2 who is depicted in that photograph?

3 A Ernesto Estrada, AKA Pepe.

4 MR. USTYNOSKI: May I approach the elmo,
5 Your Honor?

6 THE COURT: Have they been shown to
7 counsel, and are they being offered?

8 MR. USTYNOSKI: Yes. Your Honor, the
9 government offers Exhibit 172, 173, 205, and 206.

10 MR. BALLI: Without objection, Your
11 Honor.

12 THE COURT: They're admitted.

13 (Government Exhibits 172, 173, 205, and 206
14 admitted.)

15 BY MR. USTYNOSKI:

16 Q Mr. Juarez, looking at the monitor in front of
17 you?

18 A Uh-hum.

19 Q Again, just for the record, Government's Exhibit
20 172, who is that individual?

21 A Nune Carreon.

22 Q And Government's Exhibit 173, could you tell the
23 members of the jury who that individual is?

24 A Arturo Palencia.

25 Q And Government's Exhibit 205?

1 A Juan Carreon AKA Camaron, AKA Camaron.

2 Q And Government's Exhibit 206?

3 A Ernesto Estrada, AKA Pepe.

4 Q Now, sir, did you see all these individuals in
5 Mexico when you went over for that first meeting?

6 A Yes.

7 Q And can you tell the members of the jury what was
8 discussed when you went over there?

9 A We touched on topics about organizing everything
10 to bring merchandise from Mexico to the United States.
11 Marijuana.

12 Q Okay. And at that time, was it just marijuana
13 that you were responsible for?

14 A Yes.

15 Q And could you tell the members of the jury what
16 was your position or responsibility supposed to be?

17 A Boy scout. I was supposed to be the boy scout.

18 Q Can you describe for the members of the jury who
19 may not know what is a boy scout in terms of this
20 organization?

21 A Okay. Like make a surveillance looking around,
22 make sure there's no cops or border patrol gets into
23 the area where we are going to be working crossing the
24 drugs into the United States.

25 Q And, Mr. Juarez, were you to be a scout on the

1 Mexico side or in the United States?

2 A The United States.

3 Q Okay. And did you come back from Mexico that same
4 day?

5 A Yes.

6 Q Did you report to the DEA agents about what had
7 occurred?

8 A Yes. Uh-hum.

9 Q And was there a time, date, and location where the
10 organization was to move the first load that you were
11 involved with?

12 A Yes, the following day.

13 Q The following day. So on January 26, 2006, what
14 did you do, if anything?

15 A I received a call from them to go pick up Palencia
16 and Flama at the bridge.

17 Q And under whose direction were you working?

18 A For Nune Carreon.

19 Q And do you know who Nune reported to, if anyone?

20 A To Miguel Trevino.

21 Q Okay. And when you got a call that morning, can
22 you tell the members of the jury what you did?

23 A I went to the bridge to the Plaza San Augustine.

24 After that, we went to pump gas at a station at
25 Matamoros and San Bernardo. They were on a suburban.

1 Q When you say they, who are you referring to?

2 A Palencia and Flama.

3 Q And what did do you next?

4 A After that, we drove up IH-35 going north. And
5 then after that we turned off towards Mines.

6 Q Okay. Where did you go next?

7 A After that we went to a gas station, but I don't
8 remember the address.

9 Q And what did you do there, if anything?

10 A Palencia stayed in his suburban and Flama came to
11 my car with me and we drove up towards Flama. Flama is
12 his nickname.

13 Q Okay. And when you say you drove towards him, do
14 you mean where he was located?

15 A No, we were headed towards Pico Road, which is an
16 entrance that leads us towards the Rio Grande.

17 Q And, Mr. Juarez, was that the prearranged location
18 that you were to pick up the marijuana?

19 A Yes.

20 Q And when you got to Pico Road, what did do you, if
21 anything? What was your responsibility?

22 A We got to Pico Road. We went down a place where
23 we could walk through where there's -- we drive all the
24 way inside all the way to the river where there's a
25 gate to make sure there was no border patrol inside

1 there. So we drove back. Then I dropped Flama right
2 in the entrance of Pico Road the was firecracker
3 abandoned there. He was making surveillance from
4 there. Then from there I just crossed the street, and
5 I was making sure for the other street.

6 Q Okay. When you went down Pico Road, what you were
7 you looking for?

8 A Make sure that no border patrol or PD would go
9 inside in that area.

10 Q If they were, what would you have done?

11 A I would shoot -- cancel everything.

12 Q And did you see any agents at that time?

13 A Yes.

14 Q When you first went down the road, did you see any
15 agents?

16 A No.

17 Q When you came out Pico Road, did you drop anybody
18 off?

19 A Yes, I dropped Flama.

20 Q And where did you drop Mr. Flama?

21 A There was like a fire place -- they used to sell
22 firecrackers. It was abandoned. We just jumped into
23 that area.

24 Q When you say firecrackers abandoned, you mean some
25 sort of stand?

1 A Yes, it was a stand.

2 Q And did you see where he went?

3 A He went into the stand; he was hiding there.

4 Q And what was his responsibility?

5 A To make sure -- to make sure -- to verify that no
6 border patrols or police department would go in. If
7 they go in, he would call so they could cancel
8 everything.

9 Q Okay. And after that, did you call other people
10 and tell them that it was clear?

11 A After that, I called Palencia that everything was
12 clear, so he drove inside to Pico Road on a suburban.

13 Q And at this time, are you communicating at all
14 either with Mr. Diaz or Mr. Gomez?

15 A Yes, I was all the time with J.J. Gomez and Chris
16 Diaz.

17 Q Okay. And do you know whether there was any
18 border patrol or police officers that then responded
19 while you were there?

20 A Well after a while when Palencia went in border
21 patrol went inside, and we saw border patrol so.

22 Q What did do you, if anything, after that?

23 A I just picked up Flama from the area from the
24 firecrackers. And I went back to -- I dropped him
25 downtown at the bridge, Plaza San Augustine.

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1 Q And now about a week later on February 7, 2006,
2 after that incident at Pico Road, did you at some point
3 see somebody you knew on Pine Street?

4 A Yes.

5 Q And who did you see on Pine Street?

6 A Gabriel Ortiz.

7 Q And how is it that you ended up seeing him there
8 that day?

9 A While I was passing by I saw him. He was walking
10 in front of his house at the gate with an AK-47.

11 Q Now when you were driving by 3006 Pine Street,
12 would that have been part of a deal with the DEA or
13 were you just going on your own?

14 A Right, I was passing by. I mean, I was working
15 for the DEA already, but I mean I was passing by so
16 that's why I made the report.

17 Q And when you saw that person -- and, again, for
18 the record what is his name?

19 A Gabriel Ortiz.

20 Q And do you know him as any other nickname or just?

21 A Ortiz.

22 Q Okay. And when you see him what was he doing, if
23 anything?

24 A He was carrying an AK-47. Outside his house.

25 Q And you could see that while you were driving by?

1 A Yeah.

2 Q And can you tell the members of the jury how it is
3 that you know Mr. Ortiz?

4 A Ortiz used to be one of the sicarios in Nuevo
5 Laredo for the Gulf cartel.

6 Q And where did you meet Mr. Ortiz prior to that
7 day?

8 A Nuevo Laredo.

9 Q Okay.

10 MR. USTYNOSKI: May I approach, Your
11 Honor?

12 THE COURT: You may.

13 BY MR. USTYNOSKI:

14 Q Mr. Juarez, I'm going to show you what's been
15 marked for identification as Government's Exhibit 174.
16 Can you tell the members of the jury, do you recognize
17 what's depicted in that photograph?

18 A Gabriel Ortiz.

19 MR. USTYNOSKI: Your Honor, the
20 government would move Government's Exhibit 174 into
21 evidence.

22 THE COURT: Any objection?

23 MR. BALLI: No objection, Your Honor.

24 THE COURT: It's admitted.

25 (Government Exhibit 174 admitted.)

1 BY MR. USTYNOSKI:

2 Q Mr. Juarez, looking at the monitor, Government's
3 Exhibit 174, can you tell the members of the jury who
4 that individual is?

5 A That's Gabriel Ortiz.

6 Q Now when you said you saw him outside with an
7 AK-47, what did you do, if anything?

8 A I stopped by when he was outside. He told me that
9 he was taking care of some -- the house where he used
10 to live that was a stash house. So he had some kilos
11 of cocaine inside.

12 Q How do you know that?

13 A About what?

14 Q Well how do you know that there were kilos of
15 cocaine inside?

16 A He told me.

17 Q Okay. Were you pretty friendly with him prior to
18 this date? I'll rephrase the question. Strike that.
19 Did you have a working relationship with Mr. Ortiz
20 prior to that date?

21 A Yes, when we used to be in Nuevo Laredo.

22 Q Okay. And can you tell the members of the jury
23 how he appeared to you that day?

24 A He was on drugs. He was high.

25 Q And why do you say that?

1 A Because I mean you can see a person when he's on
2 drugs, the attitude is different.

3 Q Okay. While we're on that issue, sir, at any
4 point in your life have you done narcotics?

5 A Yes, sir.

6 Q What drugs?

7 A Cocaine.

8 Q At what point in your life had you been doing
9 cocaine?

10 A When I used to be in Nuevo Laredo working for
11 them.

12 Q Okay. And did you go into the 3006 Pine Street at
13 any point with Mr. Ortiz?

14 A No, sir.

15 Q After you spoke with him, what did you do next, if
16 anything?

17 A I called J.J. Gomez and made a report to them
18 about what he told me.

19 Q And how soon after you left Pine Street did you
20 call Mr. Gomez of the DEA?

21 A Just when I left from there.

22 Q And do you know what happened at that house after
23 that. Did you stick around?

24 A I was passing by, so I saw the sheriff stopping.
25 And then I saw a lot of agents and everything there.

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1 Q At that location?

2 A Yes, sir.

3 Q And how soon in time was that after you called
4 Mr. Gomez?

5 A I don't remember the exact time.

6 Q And we're going to move a little forward, a couple
7 of weeks. Do you recall being involved with an
8 incident at the El Cortez Hotel?

9 A Yes, sir.

10 Q And do you recall when in February that was? I'm
11 sorry. Do you recall roughly when you became involved
12 with the incident in El Cortez?

13 A Something like February, but I don't remember the
14 time.

15 Q Was it sometime in February?

16 A Yes, sir.

17 Q Okay. Before we get to that, let me just back up
18 one moment. After you got involved with the Pico
19 Street incident where you described to the jury where
20 you were a lookout with Mr. Flama -- do you recall the
21 testimony?

22 A Yes.

23 Q Did you at any point have to go to Mexico after
24 that marijuana was taken down?

25 A Yes.

1 Q And why did you have to go to Mexico? How did you
2 do you end up going to Mexico?

3 A They called me from Mexico that Nune he wanted to
4 speak to me and that it was not optional. I needed to
5 go.

6 Q I'm sorry. Did you say it was not optional?

7 A No, they wanted me to go over there.

8 Q Do you recall who called you and told you that?

9 A Pepe.

10 Q Okay. And was this -- how soon in time was
11 this to -- strike that. After the Pico Road incident,
12 how long was it until you had to go to Mexico?

13 A I think it was around two days.

14 Q And when you went to Mexico who, if anyone, did
15 you meet with?

16 A I went to Nune's -- well, they took me over there
17 to Nune's house, and they were a bunch of sicarios
18 there all over around when I was going inside the
19 house.

20 Q And what did you think -- why did you think you
21 had to go there?

22 A I thought they wanted to ask me what happened with
23 the drugs that was confiscated on the rio inside --
24 close to river on Pico Road.

25 Q Okay. When you got in there, tell the members of

1 the jury what happened, if anything?

2 A Well the thing is when I got there I mean Nune was
3 there. I mean cause he told all the guys to step to
4 the side.

5 Q Who told the guys?

6 A Nune.

7 Q Okay.

8 A An then he took me to the back. He was playing
9 with a rifle, pointed it at me, and he was telling me
10 that he was in charge of all the sicarios in Mexico,
11 all the hit men. So he barely asked me questions about
12 Pico Road, and he wanted to tell me that he was in
13 charge now.

14 Q Did he -- so did he talk about the drugs that were
15 confiscated at all?

16 A He just asked if -- explain everything. But I
17 mean not that much about the drugs. He was just
18 telling me that he was now in charge.

19 Q And did he mention to you whether his brother was
20 involved at all in Pico Road?

21 A Yes.

22 Q What did he tell you?

23 A He told me that the man who was the one that was
24 shoot out and they shoot -- they started shooting the
25 border patrol. And he told me that it was his little

1 brother Camaron, and he told me if it was me I would
2 have killed the border patrols.

3 Q Okay. And at that time, do you know who Nune's
4 boss was?

5 A Miguel Trevino.

6 Q And prior to that meeting that you just spoke
7 about, was Nune in charge of the sicarios before that?

8 A No, he was in charge of the transportation of the
9 drugs.

10 Q Okay. Now going to mid February after this house
11 where you saw Gabriel Ortiz and you called the DEA a
12 little after that in February, again, did you become
13 involved in an incident at the El Cortez hotel?

14 A Yes, sir.

15 Q And do you recall receiving any phone calls from
16 Nune regarding that incident? What your role was to
17 be?

18 A Well the thing is when I went in person. I am
19 going to go back. When I went to Nuevo Laredo, he told
20 me he was in charge. He told me that he wanted me to
21 be part of the organization, be in charge of the
22 sicarios not on drugs. So he told me that he was to
23 call me in the future, so I could help him in Laredo,
24 Texas.

25 Q Did you agree?

1 A Yes.

2 Q Okay. I'm sorry -- and could we get a translation?

3 THE COURT: I think he said, yes, in
4 English.

5 MR. USTYNOSKI: No before that.

6 THE WITNESS: Was to be a hit man.

7 BY MR. USTYNOSKI:

8 Q And do you know whether Nune wanted you to be a
9 hit man or be involved in some other way with the
10 sicarios?

11 A He wanted me to be like supply everything to
12 them -- to the killers.

13 Q And could you tell the members of the jury on this
14 side what would you be asked to supply the sicarios?

15 A Weapons, food, missions.

16 Q Would you have to get any type of places for them
17 to stay?

18 A Houses. Safe houses too. Yes.

19 Q And how would you receive payment for that?

20 A Well, we didn't discuss that. He just told me
21 what I was supposed to do in the United States, but I
22 mean then about payments and everything, we didn't
23 discuss that at that moment.

24 Q Okay. And then when you -- did you come back that
25 same day to the United States?

1 A Yes, sir.

2 Q Did you report about that meeting to either Mr.
3 Gomez or Mister--?

4 A Yes, sir.

5 Q And around February 16, did Nune call you and ask
6 you to do anything?

7 A Yes, sir.

8 Q What did he ask you to do?

9 A He asked me -- he called me and asked me to get
10 him two handguns. All right. So I told him that he
11 wanted from Nuevo Laredo that I thought he wanted the
12 guns for Mexico. So I told him, well, I got a friend
13 in Nuevo Laredo that I probably.

14 Q I'm sorry -- what did you say, sir?

15 A He called me. He asked me that if I can find some
16 guns. He needed two handguns.

17 Q Did he give you any type of description about what
18 kind of guns he needed?

19 A A 40 or a 9-millimeter, something like that so.

20 Q And what did you tell Nune?

21 A I told him that I had a friend in Mexico, and he
22 told me, well, I don't want it from Mexico. I got a
23 gun over here. I mean. He said I don't need them from
24 over here. I have huge army over here. I want them
25 from Laredo, Texas.

1 Q And did you agree to supply him guns?

2 A Well, I told him, yes. At first, I asked him if
3 he is going to send some sicarios out to the United
4 States. And he -- if he was going to send people to
5 me. He didn't respond that to me. So he just told me
6 find the weapons.

7 Q Okay. And did you report this information to the
8 DEA agents you were working with?

9 A Yes, sir.

10 Q And at some point, did you get a number for any
11 sicarios that were allegedly over here?

12 A Well after that I called back, and I told him that
13 I got a friend in the United States that could supply
14 the weapons. I told him they were \$700 a piece. And
15 he said that was okay. And then he gave me a number
16 for -- he said call my brother. He gave me another
17 radio number, so I could tell him the same thing you
18 just told me, so they can give you the money or--.

19 Q Okay. And then after that phone call, did you at
20 some point come into contact with any of these alleged
21 sicarios?

22 A Yes, sir.

23 Q How did you end up getting in contact with them?

24 A Well calling because Tony gave me the number, so I
25 called. I spoke to Primo.

1 Q Who is Primo?

2 A Primo?

3 Q What was his involvement in this?

4 A He was a sicario.

5 Q Okay. And had you ever met Primo before this day,

6 before this incident?

7 A No, sir. No, sir. I don't remember.

8 Q And other than Primo, did you meet anybody else

9 involved with this incident?

10 A Yes, sir. Uh-hum.

11 Q Who was that other individual?

12 A Negro.

13 Q I'm sorry?

14 A The nickname was Negro.

15 Q And do you know him by any or name or just Negro?

16 A Last name is Carreon too, so -- but I don't

17 remember the first name right now.

18 Q Okay. And at some point, were you having any type

19 of difficulty handling these individuals?

20 A Well, yes, because I mean we had trouble with the

21 weapons that they didn't have the money, and then they

22 were like pressuring me that they needed the weapons,

23 so I told them I needed money to buy them. They told

24 me well Cuarenta (40) just gave us the order to tell

25 you to give us the weapons. So I told him, well, tell

1 Cuarenta (40) to call me.

2 Q Did you tell them you wanted to speak directly at
3 some point with anybody higher up in the organization?

4 A Yeah, I told him, well, to tell Miguel Trevino to
5 call me.

6 Q And who is Cuarenta?

7 A Cuarenta is Miguel Trevino.

8 Q Okay. And did you ask to speak to him?

9 A Yes.

10 Q And did you then receive a phone call from anybody
11 after that?

12 A After that, I received a call from Commandante
13 Mundo. He told me he was besides Cuarenta, Miguel
14 Trevino.

15 Q And what did ask you to do, if anything?

16 A Well, he told me to find these guys a house or put
17 them with a friend of mine.

18 Q And did you tell them you needed anything in
19 return?

20 A Well, I told them I needed money because I told
21 them that I was having trouble. They never gave me
22 money for renting a house or anything like that.

23 Q And after Commandante Mundo -- do you know -- have
24 you ever met Commandante Mundo?

25 A No, sir.

1 Q Okay. Do you know him by any other name or just?

2 A Raymundo. Commandante Mundo.

3 Q Okay. And after getting word from Mr. Commandante
4 Mundo, the next day do you recall ever meeting with
5 Primo and Negro?

6 A Yeah. Well they called me after that -- I mean
7 that they were hungry. That they needed some condoms.
8 They called me like three in the morning. They told me
9 that if I can go by or wait till the morning. So I
10 told them, no, I'll pass by right now.

11 Q Do you recall approximately what time in the
12 morning this was?

13 A 3:00, 3:30 in the morning.

14 Q And you said they asked you for food and condoms?

15 A Yes, sir.

16 Q And what did you do after they asked you for those
17 things? Who did you call, if anyone?

18 A After that, I called J.J. Gomez and Chris Diaz,
19 and I report that to them. So we all got together, and
20 we went to Taco Palenque.

21 Q And can you tell the members of the jury what was
22 your understanding of why these two sicarios, Primo and
23 Negro, were here?

24 A Well, I think they had a plan to murder someone in
25 the United States. There was a plan -- I mean, but I

1 wasn't involved at that moment yet, so after I dropped
2 off food and everything I knew where they were at
3 located. They were located at the Cortez Hotel. And
4 then after that, we started talking, and they were here
5 to murder a person.

6 Q And were you ordered to actually get them guns
7 prior to that?

8 A Yes.

9 Q Okay. Did you ever get them guns?

10 A No, sir.

11 Q Okay. And did -- and after you met with them and
12 gave them the food and anything else you gave them, did
13 you meet with the DEA agents?

14 A Yes, sir.

15 Q And what happened next, if anything?

16 A After that, they called me again, and I went by.
17 I took Primo to buy some shoes. I don't remember the
18 name of the store.

19 Q Okay. And what happened after you took him to buy
20 some shoes?

21 A I took him back to the hotel. Then after that
22 they called me again. I went back. I spoke to
23 Commandante Mundo about that -- about them. He told me
24 to put them in a different place. So I told
25 Commandante Mundo that if he wanted these guys in a

1 nice place, he said, no. Cause as soon as you see
2 these guys -- they're so ugly, you want to put them in
3 a cage.

4 Q That's what Commandante Mundo told you?

5 A Yes, sir.

6 Q So you were looking for another place for them to
7 stay?

8 A Yes, sir.

9 Q And at some point after that, do you know
10 whether they were -- strike that. Did you ever go into
11 El Cortez Hotel and see where they were staying?

12 A Well not at that moment because, I mean, when I
13 dropped the food I mean they were outside in the
14 parking area. So -- but I did went after because I
15 asked Commandante Mundo. I asked him about the
16 weapons. So he said they already have weapons there
17 with them. So I asked him what type of weapons? He
18 said short and long. I mean for me it's handguns and
19 rifles.

20 Q That's what short and long means to you?

21 A Uh-hum. Yes, sir.

22 Q And when you went and dropped them off, did they
23 ever give you any money -- the sicarios?

24 A Yeah. They gave me \$100, so I can buy some
25 cocaine for them.

1 Q What did do you with that money?

2 A Well I tried to give it back to them that day in
3 the morning because I couldn't, I mean -- I couldn't do
4 that.

5 Q Okay. And did you report that to the DEA agent?

6 A Yes, sir.

7 Q And did you try to give them the \$100 back?

8 A Yes, sir.

9 Q Did the sicarios take the money back?

10 A Well at that time they didn't answer the phone
11 back so.

12 Q Okay. And at some point, at any time did you ever
13 end up going into the El Cortez Hotel?

14 A Yes, sir.

15 Q And what did you see when you went inside?

16 A When I went inside they was arms there --
17 handguns. I saw a handgun, and there was a big
18 satchel. I think inside was a long-arm rifle. But I
19 didn't saw the full description of the rifle. And
20 there was several amount of cocaine; marijuana. They
21 were consuming cocaine inside the hotel.

22 Q Did they do that in front of you?

23 A Yes, sir.

24 Q Okay. And after you left the apartment, did you
25 report what you saw to the DEA agent that you saw guns

1 and drugs?

2 A Well after I left the apartment, they were
3 speaking to a girl which I don't know her name. This
4 girl she was telling them that to get ready to go to
5 the club where they were going to set up this guy so
6 they can murder the guy.

7 Q Did they tell you the name of the club that they
8 were going to try to do this at?

9 A No, just that it was going to be over there in the
10 Shiloh area.

11 Q And when you said you were talking to this
12 individual, this female, was it on the phone or in
13 person?

14 A It was on radio by walkie talkie, Nextel.

15 Q Okay. And did you report that information to the
16 DEA agents?

17 A Yes. Yes. Because they were speaking to her. I
18 mean -- and then they told me we're going to murder
19 this guy, and after murdering this guy, we're going to
20 kill as much people as we can in this club, at least 50
21 persons. We need to kill a lot of people, so we can
22 make our point here. So they can know who the Zetas
23 are.

24 Q And who was telling you that?

25 A Primo and Negro.

1 Q Okay. And do you know if they were arrested
2 shortly after that conversation?

3 A Yeah, they were. But the thing is before I left
4 the room -- when I left the room, they didn't left with
5 me because they were waiting for some pinitas or
6 grenades. They ordered from 8 to 10 grenades because
7 they were going to use it in case the police were on
8 there way because they were not going to be stopped for
9 anything, for anyone.

10 Q And do you know whether they were arrested shortly
11 after they told you that?

12 A Yes, sir.

13 Q And you reported all that information to the
14 agents?

15 A Yes, sir.

16 Q Okay. And at some point, you were supposed to get
17 a safe house, correct?

18 A Yes, sir.

19 Q Did you ever ask Commandante Mundo for money?

20 A Yes, sir.

21 Q Did you ever end up going to receive money so you
22 could get a safe house?

23 A After that I spoke to Commandante Mundo, and I
24 told him about the safe house. I mean, because I never
25 put them in a safe house because they never gave me

1 money. So he told me can you please come to Nuevo
2 Laredo, so I can give you the money.

3 Q And did you ever go to Nuevo Laredo to get the
4 money?

5 A Yes, sir.

6 Q Can you tell the members of the jury how you ended
7 up getting the money?

8 A I went walking to bridge number one to Nuevo
9 Laredo. As soon as I crossed the bridge, I called
10 Commandante Mundo. He told me he was going to be
11 expecting me there, so I called him. I'm already here.
12 So then he told me, well, I didn't make it. But
13 there's a guy. Just go around the block. There's
14 going to be a guy waiting for you.

15 Q And did you go around the block?

16 A Yes, sir.

17 Q Was there somebody there?

18 A Yes, sir.

19 Q And tell the members of the jury what happened
20 next, if anything.

21 A Well, when I was approached this guy, I mean, he
22 pulled a gun in my head. He searched me all my body to
23 find out if I didn't have anything. He pulled me
24 inside a silver Jetta, and he gave me the money. He
25 just tell me that everything was okay in Laredo, Texas

1 and just to be cool. He dropped me back on bridge one,
2 and I went back to Laredo, Texas.

3 Q And how did he give you this money? Was it in a
4 bag? A box?

5 A It was cash, \$5,500.

6 Q And did you know how much it was at that time?

7 A No. He just gave me the money. Commandante only
8 told me it was going to be 5,500, so I didn't count the
9 money in front of him.

10 Q Okay. When you got to the -- back to the United
11 States, did you count it?

12 A Well when I got back to the United States, J.J.
13 and Chris Diaz, they were expecting me at bridge one,
14 so we walked all the way to La Posada. There is a
15 restaurant there. We went inside that restaurant. And
16 I gave them the money.

17 Q And did you ever know how much it was?

18 A Yeah, we counted it. It was \$5,500.

19 Q Okay. And then in April, do you recall after the
20 El Cortez and getting the money, do you recall getting
21 any type of handguns?

22 A Yes, sir.

23 Q And who did you get handguns from?

24 A From Chino. Commandante Mundo told me to go pick
25 up those handguns.

1 Q And do you know why he told you to do that?

2 A Because they had a plan to murder another
3 person -- I mean a person.

4 Q Okay. And is that in April of 2006?

5 A Yes.

6 Q And is this after the El Cortez Hotel?

7 A Yes, sir.

8 Q And is it after you received the \$5,500 dollars?

9 A Yes, sir.

10 Q Now can you tell the members of the jury where you
11 ended up getting these handguns?

12 A I drove all the way to the south side. It was I
13 think on Bismark and Meadow. I turn on Bismark.
14 There's a shop there. I don't remember the exact
15 address -- a mechanic shop.

16 Q And who did you meet there, if anyone?

17 A Chino.

18 Q Do you know Chino's real name?

19 A No, sir.

20 Q Okay. Had you ever seen Chino before?

21 A No, it was the first time I saw him and the only
22 time.

23 Q And what did he give you, if anything?

24 A He gave me a small box with two handguns inside.

25 Q Okay. And did Commandante Mundo tell you why you

1 needed to go get these two guns?

2 A Yeah, because they were planning to murder another
3 person. So he told me to get these weapons so I could
4 give it to the sicarios, so they could take care of
5 that.

6 Q And did he tell you specifically which sicarios
7 you were supposed to give these to?

8 A Gabriel Cardona.

9 Q I'm sorry?

10 A Gabriel Cardona. Pelon. Well, he told me Pelon.

11 Q Okay. And who do you know Pelon to be?

12 A Pelon?

13 Q Yes. Who do you know Pelon to be? What's his
14 real name?

15 A Gabriel Cardona.

16 Q Okay. And were you just supposed to give Mr.
17 Cardona the two guns or anybody else?

18 A Well Gabriel -- to Pelon. Yes, sir.

19 Q Okay. And do you know who Gabriel Cardona was at
20 that point, who Pelon was?

21 A No, because that was the first time going to meet
22 him. Well, I already met him before, right. But I
23 knew he was a sicario. So, yes.

24 Q Tell the members of the jury when had you met
25 Pelon for the first time?

1 A The first time I met Pelon was after when I rented
2 the house. Commandante Mundo he called me, so I can
3 give the keys to -- the house was a safe house.

4 Q And did you actually rent that house?

5 A Yes, sir.

6 Q And do you recall roughly where that was, the
7 address?

8 A It was on the north side right on Shiloh. I don't
9 remember the exact address. I know it was Orange
10 something the address.

11 Q I'm sorry?

12 A I don't remember the exact address of the house,
13 but I remember the street was named Orange. I don't
14 remember the rest of it.

15 Q Okay. When you say Orange, is that part of the
16 name of the street?

17 A Part of the name of the street, yeah. But I don't
18 remember the full name. I think it was two names.

19 Q Okay. But you remember Orange?

20 A Yes, Orange.

21 Q Okay. And did you rent that house in coordination
22 with the DEA agents?

23 A Yes, sir. Yeah. DEA.

24 Q And they told you to go rent that house?

25 A Yes. Actually Commandante Mundo told me, so I

1 told them, told Chris and J.J., and they rent the
2 house.

3 Q And it was your understanding -- why were you
4 renting this house?

5 A Well it was a safe house to get the sicarios, the
6 killers after -- every time they murdered somebody. It
7 was like a safe house, so they can go there and stay
8 there while everything was going to be cool.

9 Q And the person giving you the orders to get the
10 house was who?

11 A Commandante Mundo.

12 Q Okay. Now I asked you before, and I don't know if
13 you answered it. When was the first time you met
14 Pelon?

15 A Pelon, I met him the first time at Best Buy when
16 Commandante Mundo told me to hand the keys to these
17 guys. So the thing is I told him where can we meet, so
18 we met on Best Buy the first time. And I told him if
19 follow me to the house, so he followed me. We drove
20 from the Best Buy all the way to the house, so I can
21 give him the keys there.

22 Q And did you give him the keys?

23 A Well, when we were at the house, yes.

24 Q And did you -- at that time, did you meet anybody
25 else at the safe house?

1 A Well that was the first time I was going in the
2 house with them, so when they were there he took
3 Pelon -- that was the first time I met Pelon, so he
4 told me -- I told him, who are you? Well, I'm Pelon.
5 And he said, well, I'm the one that did the Resendez.
6 I'm the one that murdered the Resendez.

7 Q Okay. And do you recall -- did you see anybody
8 else in the house when you were speaking with Pelon
9 about--?

10 A Well there were a lot of persons. I don't
11 remember exactly the full names.

12 MR. USTYNOSKI: May I approach, Your
13 Honor?

14 THE COURT: You may.

15 MR. USTYNOSKI: Actually, can I approach
16 the elmo?

17 THE COURT: You may.

18 BY MR. USTYNOSKI:

19 Q Mr. Juarez, if you could look at your monitor.
20 I'm showing you what's already been marked and admitted
21 as Government's Exhibit 162. Can you tell the members
22 of the jury if you recognize who is depicted in that
23 photograph?

24 A Yes, sir.

25 Q Who is that?

1 A That's Pelon.

2 Q And when you got to the safe house that you met
3 them and turned the keys over to them, tell the members
4 of the jury what he was telling you in the house.

5 A Well he was telling me he was the one that
6 murdered the Resendez, that participated in the
7 murders. Because before that, I mean, I was receiving
8 a lot of pressure from Commandante Mundo that he really
9 needed the house. But the house wasn't ready, so
10 that's why -- since I wasn't ready, it was when these
11 murders happened when they murdered Resendez and his
12 nephew, so the house wasn't available at that time. So
13 after when the house was ready, he told me I'm the one
14 that murdered the Resendez.

15 Q Did he explain to you how he did it?

16 A Yeah, with like with rifles.

17 Q And did he give you any other details that you can
18 remember?

19 MR. BALLI: Your Honor, I'm going object
20 to hearsay at this time.

21 THE COURT: The objection is overruled.

22 It's a coconspirator statement.

23 MR. USTYNOSKI: Yes.

24 BY MR. USTYNOSKI:

25 Q If you can remember, I know it's along time ago,

1 sir, but can you tell the members of the jury in any
2 detail what Mr. Cardona told you about the murder of
3 Resendez?

4 A Well he just was expressing that he was murdered
5 these guys -- how he killed him. His first way he was
6 shooting at these guys just like he was kind of real
7 excited, you know, showing off that he murdered the
8 guys.

9 Q And you used the word before cuerno. What does
10 that mean?

11 A That's an AK-47.

12 Q Okay. And did he tell you anything else about
13 that particular murder, if you recall?

14 A I don't remember.

15 Q Okay. And when he was telling you that, was
16 anybody else present?

17 A Yeah, I think it was another guy. I don't
18 remember him a lot -- I mean I think it was Reta with
19 him. I don't remember his first name because I just
20 met him a couple of times, not that much time, so I
21 don't remember that much of that guy.

22 Q And did Cardona tell you what, if anything, the
23 sicarios needed from you at that time?

24 A Well at that time they needed the safe house, and
25 then they were asking me to buy some cars so we could

1 use clean cars not registered under anyone's name, so
2 that way they just dropped the car and then go.

3 Q Now when he said he needed cars, clean cars, did
4 he tell you he wanted clean cars? Was that something
5 that you were responsible for?

6 A Well, no, he told me I want clean cars -- getaway
7 cars, motor cars. The car that we're supposed to be
8 driving to murder the guys. And we need getaway cars
9 that supposed to be clean, not registered under anyone,
10 not even to you or someone related to us.

11 Q Okay. Now approximately April 8th, do you recall
12 being involved in an incident at Cosmos?

13 A Yes, sir.

14 Q Before we move on with that, did Mr. Cardona talk
15 about any other homicides that he might have been
16 involved in or was it just the Resendez?

17 A He specifically talked about the Resendez and at
18 that time, yes, only the Resendez.

19 Q And did you talk about any potential targets with
20 Mr. Cardona?

21 A Yes, sir. He told me about his other nephew.

22 Q Whose other nephew?

23 A Chukey. I think his name. Juanito Resendez was
24 one of them. The other one was Michael Lopez. Mackey
25 Flores, and the Melendez. And I don't remember the

1 other ones.

2 Q Okay. So, sir, you just gave the members of the
3 jury about four names?

4 A Yes, sir.

5 Q And were those potential targets that you
6 understood the sicarios were here to murder?

7 A Yes, sir.

8 Q Okay.

9 A And. I'm sorry, sir. A guy named Checo, but he
10 just said Checo.

11 Q Okay. And did they provide you with any type of
12 list at any point?

13 A No, sir.

14 Q Okay. And as this is going on, are you also
15 speaking to Commandante Mundo?

16 A Yes, sir.

17 Q During this time?

18 A Yes, sir.

19 Q Okay. Now at some point in April, did you have --
20 you became involved in an incident as Cosmos club?

21 A Yes, sir. I was driving towards the safe house,
22 and no one was there. Well we were all agents and us,
23 and no one was there. So I called them where were they
24 at, and they said we're already working.

25 Q When you say -- so the members of the jury know,

1 when you say I called them. They said, we. Who is we?

2 A I called Pelon. So I asked him where are you
3 you-all? He said, well, we're already working.

4 Q And what do you understand working to mean?

5 A That they were going to murder someone else.

6 Someone. So I asked him where are you at? So he told
7 me where he we're at Cosmos. I asked him am I going to
8 be participating in this because Commandante Mundo told
9 me that I was going to participating in all the
10 homicides and everything here. So he said, yeah, sure.

11 Come over here. We're at Cosmos.

12 Q Did he tell you what vehicle they were in?

13 A At that time--.

14 Q If you recall.

15 A Yeah, at that time, when I got there they were
16 driving a Dodge Ram blue, four door -- Pelon and Reta.

17 Q And how do you know that?

18 A Cause when we met there -- he called me so I can
19 get close to them, and I saw the truck. Pelon was
20 driving the truck.

21 Q Okay. You said that who was driving the vehicle?

22 A Pelon.

23 Q Okay. And is he the only person that you saw
24 clearly or did you see--?

25 A Yeah, I mean I head he was with Reta, but I mean I

1 didn't see him.

2 Q You never saw the person?

3 A No, he was -- I never saw the person next to him.

4 Q So who is the only person you saw at Cosmos?

5 A Pelon.

6 Q And what did do you next, if anything?

7 A After that, he told me he was going to murder
8 Mackey Flores. So he told me make sure -- he asked me
9 that if I knew Mackey. I told him, yes. Well, make
10 sure that's him because he was making surveillance
11 toward a Hummer color pewter Hummer.

12 Q Now did you tell him that you knew what Mackey
13 Lopez looked look?

14 A Mike Lopez?

15 Q Yes. Yes. Did you really know what he looked
16 like?

17 A No. He told me how. He told me he was a skinny
18 guy with a tone of voice kind of soft. White.

19 Q And were you going to go into Cosmos and try and
20 see if he was in there?

21 A Well, in Cosmos it was the target was Mackey.

22 Q Okay. And what was your responsibility, if
23 anything?

24 A To follow -- to make sure that it was Mackey
25 and--.

1 Q Did you go into Cosmos?

2 A Yes, sir.

3 Q And all along, while this is going on, did you
4 report this to the DEA agents?

5 A Yes, sir. They were with me all the time.

6 Q And were they somewhere near the location to your
7 knowledge?

8 A Yes, sir.

9 Q And did you go into Cosmos to look for anybody?

10 A Yes, sir.

11 Q And did you then report to Pelon?

12 A Yeah, I saw a Hummer. Then I report everything
13 to -- I report to Pelon because then when the Hummer --
14 well, first I report to the agents. The agents send a
15 couple of police officers there.

16 Q When you saw there, did you see the agents --
17 officers arrive on scene?

18 A No, I just saw police officers.

19 Q Okay. And where did you see?

20 A Hum?

21 Q Where did you see the PD?

22 A They were right in front -- all around the parking
23 lot area of Cosmos.

24 Q And at that time, did Cardona still stay in that
25 area?

1 A Yeah, because when this -- the Hummer was leaving,
2 the police were following the Hummer, and I told Pelon,
3 do you know what, there's a lot of cops. They're
4 following the Hummer, so he told me I don't give a shit
5 anyway. I'm going to do it.

6 Q Okay.

7 A So make sure, just follow the guy.

8 Q And who -- when you said to follow, who did he
9 mean?

10 A To follow the Hummer to make sure where was it
11 going to.

12 Q Okay. And did you follow this Hummer and the
13 police?

14 A Well the Hummer got stopped by PD.

15 Q Okay.

16 A Got pulled over.

17 Q And what did do you next, if anything, after the
18 Hummer was stopped?

19 A Well -- I told Pelon, well, he got pulled over.
20 Then he told me, well, wait. We're going to make it.
21 Commandante Mundo said make sure that he's arrested or
22 not or they're not going to let him go so Commandante
23 Mundo told us to wait.

24 Q Did you call Commandante Mundo to tell him what
25 was happening? Do you recall?

1 A I don't remember.

2 Q Okay. Do you know if you got a call from
3 Commandante Mundo at any point?

4 A I don't remember that time.

5 Q Okay. And at some point, where did you leave to
6 next?

7 A From there, since we saw -- I mean -- I mean cause
8 PD took him. I don't know arrest that guy and took the
9 Hummer. And then Pelon told me maybe he was carrying a
10 handgun or something. And he said maybe that's why he
11 got arrested. Then after that he told me, okay. Let's
12 go to Taco Palenque. Let's go looking for --
13 Commandante Mundo just told me right now that go look
14 for Michael Lopez. He's driving a Hummer, a silver
15 Hummer so let's to go find a silver Hummer at Taco
16 Palenque.

17 Q And did you go to Taco Palenque?

18 A Yes, sir.

19 Q And what did you do when you got there?

20 A We just drove over. We didn't see Michael in that
21 area.

22 Q And what's your understanding of why you were
23 going to Taco Palenque with Pelon?

24 A Cause we were supposed to -- he was another target
25 to murder that day.

1 Q I'm sorry. He was a target?

2 A Yeah.

3 Q Okay. And when you got there, did you see any
4 type of Hummer or Mikey Lopez?

5 A No, sir.

6 Q And what did you-all do after that?

7 A After that, I mean, we just spoke. I told what we
8 were going to do next. He told me, well, I've got to
9 go to Nuevo Laredo to take of these guys. They work
10 for the company, but I mean they're not doing their job
11 right.

12 Q And who said that?

13 A Pelon.

14 Q And do you know if he went to Mexico then?

15 A Yes.

16 Q And after that happened, within a couple of days,
17 did you go back to the safe house?

18 A Yes, sir.

19 Q And who did you see, if anybody, when you went
20 there?

21 A Pelon.

22 Q Okay. And do you recall whether there were other
23 people in the house?

24 A Yes, sir.

25 MR. USTYNOSKI: May I approach, Your

1 Honor?

2 THE COURT: You may.

3 BY MR. USTYNOSKI:

4 Q Mr. Juarez, I'm going to show you what's already
5 Government Exhibit 167. Can you tell the members of
6 the jury if you recognize?

7 A I don't remember on this one.

8 Q Do you remember ever seeing that person?

9 A Yeah, but I mean I don't remember seeing but I'm
10 not pretty sure. So I don't want to.

11 Q You're not sure where?

12 A Yes, sir.

13 Q I'm also showing you Government's Exhibit 183.
14 Can you tell the members of the jury if you recognize
15 who is in that photograph?

16 A Yes, sir. I saw this guy in the house, but I
17 don't remember his name.

18 Q So we're clear for the record, when you say the
19 house?

20 A The safe house.

21 Q And do you recall when roughly that you saw him in
22 the house?

23 A I don't remember the exact day but it was.

24 Q Was it sometime in the safe house?

25 A Yeah, when we had a house. Yes.

1 Q And was Pelon present?

2 A Yes, sir.

3 Q Let me show you what's been preliminarily marked
4 for identification as Government's Exhibit 186. Can
5 you just take a moment to look at that and tell the
6 members of the jury if you recognize that face?

7 A Yes, sir. He was in the house too.

8 Q And when you say the house?

9 A In the safe house.

10 Q Okay. And is that again in April when Pelon?

11 A Yes, it was the same time. He was there two
12 times.

13 Q And, lastly, I'm going to show you what's been
14 marked for identification as Government's Exhibit 153.
15 Take a moment to look at that picture and tell the
16 members of the jury if you recognize what's depicted in
17 that photograph?

18 A This was the house that federal agents went for
19 the sicarios. This was the safe house.

20 Q Is that the safe house?

21 A Yes, sir.

22 MR. USTYNOSKI: Your Honor, at this time
23 the government would move into evidence Exhibit 153 and
24 186.

25 THE COURT: 153?

1 MR. USTYNOSKI: Yes.

2 MR. BALLI: No objection, Your Honor.

3 THE COURT: It's admitted. Or they are
4 admitted.

5 (Government's Exhibits 153 and 186 admitted.)

6 BY MR. USTYNOSKI:

7 Q Quickly, Mr. Juarez, showing you Government's
8 Exhibit 153. Can you tell the members of the jury what
9 that photograph depicts?

10 A That's the safe house that the federal agents
11 rented for the sicarios.

12 Q And is that where you met with Mr. Pelon and these
13 other individuals you spoke about the hits?

14 A Yes, sir. Yes, sir.

15 Q And showing you Government's Exhibit 186. Can you
16 tell the members of the jury where you saw that person?

17 A In the safe house.

18 Q And, again, is that the same time period in April
19 when Pelon was there?

20 A Yes. Yes.

21 MR. USTYNOSKI: Your Honor, the
22 government would pass the witness.

23 THE COURT: Very well then. Mr. Balli.

CROSS EXAMINATION

BY MR. BALLI:

Q You said earlier that you were working for DEA.

You don't actually work for the DEA do you?

A No.

Q It's not a job?

A No.

Q You're under contract as a matter of fact?

A Yes, sir.

10 Q You have a contract with them, and you signed a
11 contract with the DEA?

12 A Yes, sir.

13 Q In fact, it's called a confidential source
14 agreement, correct?

15 A Yes, sir.

16 MR. BALLI: Your Honor, may I approach
17 the witness?

THE COURT: You may.

19 BY MR. BALLI:

20 Q I'm going to show you what has been marked as
21 Defendant's Exhibits Numbers 18, 19, 20, 21, and 22 --
22 and ask if you recognize these?

23 A This one.

24 Q All of these?

25 A Which one?

1 Q Twenty-one.

2 A Oh, I'm sorry you were reading the number. I
3 thought it was here. Yes, sir.

4 Q Do you recognize these?

5 A Yes, sir.

6 Q And are these the confidential source agreements
7 that you entered into with the DEA?

8 A Yes, sir.

9 Q And are these copies other than what has been
10 blanked out accurate?

11 A Yes, sir.

12 Q They're accurate copies and legible?

13 A Yes, sir.

14 MR. BALLI: Your Honor, I'd move to
15 introduce Defendant's Exhibit 18, 19, 20, 21, and 22.

16 MR. USTYNOSKI: No objections.

17 THE COURT: They will be admitted.

18 (Defendant's Exhibits Numbers 18 through 22
19 admitted.)

20 MR. BALLI: Permission to approach the
21 elmo, Your Honor?

22 THE COURT: You may.

23 BY MR. BALLI:

24 Q Were you able to read the document there on the
25 screen?

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1 A Yes, sir.

2 Q Okay. And do you -- would you agree with me that
3 all of these agreements are basically the same but that
4 they occur over different years?

5 A Okay.

6 Q Is that true?

7 A Yes, sir.

8 Q That the first of these in 2004?

9 A Uh-hum.

10 Q And that each year you entered into another one?

11 A Yes, sir.

12 Q All the way up to 2009, correct?

13 A Yes, sir.

14 Q And one of the things in this agreement number
15 seven is that you are not an employee of the DEA?

16 A No, I'm not.

17 Q Another part of this is in number six that you are
18 not authorized to participate in any criminal
19 activities, is that correct?

20 A Yes, sir.

21 Q And you also in number 14 would you agree that it
22 does not allow for you to engage in any act of
23 violence?

24 A Uh-hum.

25 Q You're not allowed to engage in any act of

1 violence, are you?

2 A Okay.

3 Q Would you agree with me that in March of 2006 your
4 wife brought to the attention of the DEA the fact that
5 you had gone on a cocaine binge that lasted three days
6 and that you were extremely violent to her? Are you
7 aware of that?

8 A Yes, sir.

9 Q And you would agree that the fact that you violent
10 to your wife that could be a criminal act, correct?

11 A Yes, sir.

12 Q And you agree that that is an act of violence,
13 correct?

14 A Yes, sir.

15 Q And you agree that that is in -- that would
16 violate your agreement with the DEA, correct?

17 A Yes, sir.

18 Q And you agree that a cocaine binge would also
19 violate your agreement with the DEA?

20 A True, sir. Yes, sir.

21 Q And previously when you testified that you used
22 drugs when you were in Mexico, this incident in 2006
23 actually occurred later on, didn't it?

24 A Yes, sir. Uh-hum.

25 Q So when you said that before you either had

1 forgotten about that incident or you were untruthful
2 about it, correct?

3 A I forgot.

4 Q You forgot. And isn't it true that even though
5 the DEA knew -- in fact, these same agents that are
6 right here knew that you had gone on a cocaine binge,
7 and they knew that you had assaulted your wife. They
8 did not terminate their agreement with you?

9 MR. USTYNOSKI: Objection. The agents
10 didn't know some things.

11 THE COURT: The question is itself, Mr.
12 Ustynoski, your objecting to in what form?

13 MR. USTYNOSKI: The form of the
14 question.

15 THE COURT: The objection is sustained
16 as to the form.

17 BY MR. BALLI:

18 Q You're aware that you're wife told the DEA agent
19 that you had gone on a cocaine binge, correct?

20 A Yes.

21 Q And you are aware that the DEA knew about it then,
22 correct?

23 A Yes.

24 Q And at any time after your wife told them that,
25 your agreement was never terminated with the DEA,

1 correct?

2 A Well, the thing is when that accident happened
3 with my wife I wasn't still signed up with J.J. and
4 Chris.

5 Q Correct.

6 A I knew them after the accident. When I signed
7 with them, it wasn't at that time when I was working
8 with them when this accident happened -- passed.

9 Q But you were under an agreement with them at that
10 time, correct?

11 A Yes.

12 Q And after your wife gave them this information
13 about you using cocaine and assaulting her?

14 A Uh-hum.

15 Q They paid you almost \$200,000, correct?

16 A Yes, sir.

17 MR. BALLI: Your Honor, permission to
18 approach the witness?

19 THE COURT: You may.

20 MR. BALLI: We're on 23.

21 CASE MANAGER: Twenty-three.

22 BY MR. BALLI:

23 Q I'm going to show you what's been marked as
24 Defendant's Exhibit Number 23 and ask you if you can
25 identify this.

1 A This is one of the amounts I received.

2 Q Amounts you received?

3 A Yes.

4 Q And you have received -- you have received several
5 payments from the DEA, correct?

6 A Yes, sir.

7 Q At different times?

8 A Yes, sir.

9 Q And every time that you receive a payment you --
10 there's a voucher that goes with that, correct?

11 A Yes, sir.

12 Q And if I showed you these vouchers, will you be
13 able to tell the ladies and gentlemen of the jury how
14 much you have been paid by the DEA for information and
15 on what dates you were paid?

16 A If you show them, yeah.

17 Q Okay. If you didn't have this, would you be able
18 to give the amounts or dates?

19 A Not the certain -- not the right time or dates.

20 Q So would this be helpful to you in order to
21 refresh your memory about the exact amounts and the
22 dates of each payment?

23 A Yes, sir.

24 MR. BALLI: Your Honor, permission to
25 approach the witness?

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1 THE COURT: You may.

2 MR. BALLI: Your Honor, we're trying to
3 switch the monitor on to the laptop.

4 THE COURT: For what purpose?

5 MR. BALLI: Your Honor, we want to just
6 list the amounts on -- that he reads from on a spread
7 sheet.

8 MR. USTYNOSKI: Your Honor, the
9 government would like to see that before it's shown to
10 the jury.

11 THE COURT: He can certainly testify to
12 it, I guess.

13 MR. BALLI: In other words, in lieu of
14 me writing out each amount, I would just like to--.

15 THE COURT: You have it to show counsel
16 before it is displayed on the screen.

17 MR. BALLI: I did. I did. I showed him
18 we're going to be entering the amount.

19 THE COURT: Let's approach the bench and
20 stop arguing in front of the jury.

21 MR. BALLI: Yes, Your Honor.

22 (At sidebar.)

23 THE COURT: If you -- you don't have it
24 printed out?

25 MR. BALLI: It's a blank spread sheet,

1 so when he -- it has the dates.

2 THE COURT: Okay.

3 MR. BALLI: And as he says the date --if
4 our date is correct, it should be correct. We're just
5 going to add in the amounts.

6 THE COURT: So are going to be creating
7 this as you go along?

8 MR. BALLI: Creating as we go.

9 THE COURT: Oh, okay.

10 MR. USTYNOSKI: Well if he creates it as
11 he looks at the sheet, but -- because I haven't -- he
12 showed me when they started making it. But I haven't
13 looked at it for accuracy or anything. So I don't--.

14 THE COURT: How long do you think you
15 will be with this witness?

16 MR. BALLI: About 25, 30 minutes.

17 THE COURT: Okay. Well then we'll maybe
18 take our lunch break, and let's discuss this that way.

19 MR. BALLI: Okay. Thank you.

20 THE COURT: All right. No problem.

21 (End of sidebar.)

22 THE COURT: This may take us just a few
23 moments, but instead of making you sit here and wait,
24 we'll go ahead and take our lunch break at this time,
25 ladies and gentlemen. I will ask that you return and

1 be ready to proceed at 1:30. I do remind you of the
2 instructions previously given to you that is not to
3 discuss the case amongst yourselves or with anybody
4 else. Do not expose yourself to any type of
5 information about this case or to give out any
6 information about this case. With those instructions
7 then, you are excused for lunch until 1:30. You may
8 step out.

9 THE CSO: Please rise for the jury.

10 (The jury exits the courtroom.)

11 THE COURT: Okay. You may be seated. I
12 guess, as I understand, Mr. Balli, what you are going
13 to be doing is as the witness testifies to the amount
14 you will put in the amounts. You have a list of dates
15 already that you think is what the witness will testify
16 to.

17 MR. BALLI: Yes.

18 THE COURT: Okay.

19 MR. BALLI: And then it will have a sum,
20 and that's what I was telling Mr. Ustynoski if he could
21 look at it just to make sure that our formula is
22 correct. Basically, it's a formula.

23 THE COURT: I guess -- you already have
24 that inputted, and you're going to flash it up after he
25 testifies, or are you going to be creating this as he

1 testifies?

2 MR. BALLI: We have the formula in at
3 the bottom, so that, in other words, as we put in say
4 \$100 it will put the sum of \$100. We put in another
5 \$100, it would put the sum \$200; sum \$300.

6 THE COURT: It will just be adding them
7 up.

8 MR. BALLI: They're all in zeros. They
9 all end in zeros. They are all in the thousands ending
10 in zeros, so it is very easy to make -- to see if a
11 mistake was made.

12 MR. USTYNOSKI: There formula is
13 correct.

14 THE COURT: Okay. But the information
15 will be inputted as you go based on the testimony.

16 MR. BALLI: Yes, Your Honor. We just
17 puts the dates in, so it would be faster.

18 THE COURT: I don't see any problem with
19 that. So we'll proceed in that manner after lunch.
20 All right. Thank you. Anything else at this time?

21 MR. USTYNOSKI: What time, Judge?
22 Sorry, I didn't hear, Judge.

23 THE COURT: 1:30.

24 THE CSO: Rise for the jury.

25 (The jury enters the courtroom.)

1 THE CSO: All rise.

2 THE COURT: Thank you. You may be
3 seated. All right. I believe we had Mr. Juarez on the
4 stand. Good afternoon, ladies and gentlemen. I trust
5 you everybody a good lunch.

6 Please be seated.

7 (The witness enters the courtroom.)

8 THE COURT: You may continue, Mr. Balli.

9 MR. BALLI: Permission to approach?

10 THE COURT: You may.

11 BY MR. BALLI:

12 Q Let me show you what's been marked as Defendant's
13 Exhibit Number 23.

14 A Okay.

15 Q And you previously said that this would refresh
16 your memory. On November 6, 2008, did you receive --
17 did you receive any amount from the DEA?

18 A Yes, sir.

19 Q And what was that amount?

20 A \$150,000.

21 Q All right. And you can use that and turn through
22 it. I'll mention several other dates as well. On
23 December 22, 2009.

24 A Okay.

25 Q Do you know how much you received from the DEA?

1 A It looks like \$1,000.

2 Q \$1,000?

3 A Yes.

4 Q All right. Did you receive any money on May 12,
5 2009?

6 A Yes.

7 Q And how much did you receive?

8 A \$1000.

9 Q Did you receive any money on April 16, 2009?

10 A It's not that clear, but it looks like \$1000.

11 Q All right. On July 29, 2008, did you receive any
12 money?

13 A Yes, sir. \$12,500.

14 Q \$12,500?

15 A Yes, sir.

16 Q And you have a monitor next to you, correct?

17 A Uh-hum.

18 Q And we have been inputting those amounts -- they
19 are on a spread sheet. Are the amounts that we have
20 been inputting correct -- the same amounts that you
21 have said?

22 A Yes, sir.

23 Q And as I give you those amounts, I just want you
24 to make sure that the date there and the amounts are
25 correct on the screen as well.

1 A Okay. I'm sorry for that.

2 Q On July 10, 2008, did you receive any payment and
3 how much?

4 A Yes, sir. 12,500.

5 Q On March 18, 2008, did you receive any payment and
6 how much?

7 A Yes, sir. \$1000.

8 Q How about December 6, 2007?

9 A \$5,000, sir.

10 Q How about November 8, 2007?

11 A \$1,500.

12 Q September 26, 2006?

13 A I guess, \$500.

14 Q July 28, 2006?

15 A July 26?

16 Q July 28, I believe. 28th.

17 A \$2,500.

18 Q March 16, 2006?

19 A \$8,500.

20 Q \$8,500?

21 A Yeah.

22 Q April 12, 2006?

23 A \$5,000.

24 Q April 7, 2006?

25 A \$1000.

1 Q March 31, 2006?

2 A \$922.45. This is what it shows here now.

3 Q Okay. March 24, 2006?

4 A \$2,500.

5 Q April 22, 2006?

6 A \$5,000.

7 Q February 10, 2006?

8 A \$2,000.

9 Q February 3, 2006?

10 A \$750.00.

11 Q March 2, 2005?

12 A \$500.

13 Q February 9, 2005?

14 A \$500.

15 Q Would the sum of \$215,172.25 sound about the
16 amount that you received?

17 A Yes, sir.

18 Q Do you believe that you received any other amounts
19 besides the amounts that are listed in here?

20 A No, sir.

21 Q In addition, when you would receive money from the
22 cartel for renting houses or buying weapons or
23 purchasing automobiles, there was a commission built
24 into the amounts that you would receive as well,
25 correct?

1 A Uh-hum.

2 Q And those amounts when you received those
3 commissions, did you give that money back to the DEA?
4 Or do you keep that money?

5 A Well I received the money from the cartel. It
6 goes straight to the DEA. I never have money from that
7 money.

8 Q Okay. So you would give the money -- if the
9 cartel gave you money, you would give it back to the
10 DEA?

11 A Yes, sir.

12 Q And DEA would pay for the car or for the house
13 that you were going to rent--?

14 A They would take care of that. I mean, I didn't
15 have the cash for that.

16 Q And what if you needed to get a gun, they would
17 give you money for the gun?

18 A Who?

19 Q The DEA.

20 A No, I never provided any weapons.

21 Q Didn't you testify earlier that you were supposed
22 to purchase some weapons?

23 A Yeah.

24 Q Okay. And ultimately what you are saying is that
25 you never provided the weapons?

1 A No, I just told them I had a friend. But I never
2 gave them the weapon.

3 Q So what you're saying is that the money that you
4 received from the cartel then the DEA would go and rent
5 out a house if the sicarios needed a house?

6 A Yes, sir.

7 Q Are you telling the ladies and gentlemen of the
8 jury that the Drug Enforcement Agency of the United
9 States, agents of the Drug Enforcement Agency of the
10 United States rented out houses, safe houses for the
11 Gulf cartel?

12 MR. USTYNOSKI: Objection, Your Honor.

13 THE COURT: What is the form?

14 MR. USTYNOSKI: What the government
15 did -- he doesn't know the policy or what the
16 government--.

17 THE COURT: He's asking the question.

18 The objection is overruled.

19 THE WITNESS: Yes.

20 BY MR. BALLI:

21 Q You're saying they did?

22 A Well, they did.

23 Q Are you saying that the Drug Enforcement Agency of
24 the United States of America purchased automobiles?

25 A Not automobiles.

1 Q So you're saying they didn't pay you for the
2 automobiles?

3 A No, they bought a car. I never supplied anything.

4 Q You never supplied an automobile?

5 A No.

6 Q You supplied houses?

7 A A house.

8 Q Which house?

9 A The house located at the north side of Laredo.

10 Q On Orange Blossom?

11 A Yes, sir.

12 Q And that house located on Orange Blossom that's
13 the house where Gabriel Cardona was staying, correct?

14 A Well, we used to meet there.

15 Q You used to meet there?

16 A Yes.

17 Q With Gabriel Cardona? And anybody else that you
18 would meet there at that house with?

19 A Well a lot of guys. I don't remember the names,
20 but there were more persons.

21 Q Rosalio Reta?

22 A Yes.

23 Q Raul Jasso?

24 A Yes.

25 Q Aurora Del Bosque?

1 A No. I don't remember.

2 Q What -- I'm not asking you where you were, but
3 what kind of work do you do? Your legitimate job?

4 A Me?

5 Q Yes, sir.

6 A Personally, I can't.

7 MR. USTYNOSKI: Objection. Just to be
8 clear what time period.

9 THE COURT: Your time period?

10 BY MR. BALLI:

11 Q Now. Now. What kind of work do you do?

12 A Sales.

13 Q Sales. Sales of what type of item? Or--?

14 THE COURT: May I see counsel at the
15 bench?

16 (At sidebar.)

17 MR. BALLI: I'll let it go.

18 THE COURT: Okay.

19 MR. USTYNOSKI: What did he say, Your
20 Honor?

21 THE COURT: I'll let it go.

22 (End of sidebar.)

23 BY MR. BALLI:

24 Q Initially when you were working in Mexico, it was
25 with the cartel?

1 A Yes, sir.

2 Q Your job was to work with public officials?

3 A Uh-hum.

4 Q And you said with police officers specifically?

5 A Yes.

6 Q Any other types of public officials?

7 A No.

8 Q You would make payments to police officers?

9 A Yes, payroll.

10 Q Payroll. You call it payroll, but these were
11 bribes, correct?

12 A Yes.

13 Q And how many years did do you that?

14 A About a year or something. A year and a half. I
15 don't remember how long -- the specific time.

16 Q And now you're kind of on the other end of that.

17 How long have you been receiving -- been receiving
18 money from law enforcement officials?

19 A About four years.

20 Q So in this spreadsheet that's in front of you
21 the -- I'm showing the first payment that you may have
22 received may have been around February 9 of 2005? Is
23 that correct?

24 A Yes, sir.

25 Q Do you think you received anything before that?

1 A Not that I remember.

2 Q Was about five years, correct?

3 A Yes.

4 Q Do any of the sicarios -- is it common among the
5 sicarios to use drugs like marijuana or cocaine or any
6 other drugs?

7 A I'm sorry. I didn't hear the question.

8 Q Is it common for the sicarios, for the Gulf
9 cartel, to use illegal drugs?

10 A Yeah.

11 Q And as part of your -- as part of the undercover
12 work that you did, sometimes you found yourself around
13 people that were using drugs, correct?

14 A Uh-hum.

15 Q And sometimes you would use drugs with them,
16 correct?

17 A Not when I was working for the agents here.

18 Q Well with the exception of the time that you were
19 arrested for?

20 A Uh-hum. Yep. Yep. But I also wasn't involved
21 with the sicarios until there was a weekend that --

22 Q Was on your free time?

23 A Yes, sir.

24 Q Are you a cocaine addict?

25 A I don't consume drugs any more. I used to be an

1 addict, yes. I'm fighting for that every single day, I
2 mean.

3 Q You used to be an addict or are you still an
4 addict?

5 A I don't. I don't consume drugs.

6 Q I didn't ask if you consume drugs. I asked if you
7 are an addict?

8 A What does he mean by that question? Oh no, sir,
9 I'm not an addict.

10 Q And as a confidential informant for the
11 government, it's necessary for you to have to deceive
12 people, correct?

13 A Yes. Uh-hum.

14 Q It's necessary to be deceptive in order for you to
15 get useful information, correct?

16 A Uh-hum. Yes.

17 Q And to not get hurt, correct?

18 A Yes.

19 Q And so you have a lot of experience with lying and
20 deceiving people, don't you?

21 A Yes, because I used to lie.

22 Q How much has the government told you -- any agent
23 of the government told you that you're going to get
24 paid for testifying here today?

25 A I never received that. They never told me that,

1 and they never said anything about -- we never talked
2 about amounts.

3 Q You never talked about amounts?

4 A I was never told I was going to get paid.

5 Q What is the amount that you receive based on?

6 A On what?

7 Q When you receive payments, is it based on results?

8 A On results of drugs confiscated or sicarios or --
9 yes.

10 Q And how many times have you testified before?

11 A This is my first time, sir.

12 Q Have you ever testified in state court?

13 A No, sir.

14 Q You never testified before?

15 A No, sir.

16 Q So you know you're going to receive payment, but
17 you don't know how much?

18 A We never talked about payment. They just told me
19 you got to testify. And that's it. Okay. I'm in this
20 process so--.

21 Q But it's understood that you will receive some
22 sort of compensation, correct?

23 A We haven't even discussed about that.

24 Q But is it understood?

25 A Might be.

1 MR. USTYNOSKI: Objection. Asked and
2 answered, Your Honor.

3 THE COURT: It's overruled.

4 BY MR. BALLI:

5 Q How much would you like to get paid?

6 A I don't know, sir. I haven't even think of that.

7 Q Well, but there's been other times when you
8 suggested amounts to the government, correct?

9 A The thing is I never testified before, so I don't
10 have a clue about this.

11 Q Okay. But you have said suggested amounts before
12 to the government about how much you think you should
13 get paid, correct?

14 A Yeah, but they never tell me how much I am going
15 to get paid. I cannot say I want this for this. I
16 mean -- that's not the way it works.

17 Q Well, I understand. But isn't it true that in the
18 past you have suggested the amount that you want to be
19 paid?

20 A I don't remember that.

21 Q Okay. If I showed you some documents?

22 MR. BALLI: Your Honor, permission to
23 approach?

24 THE COURT: You may.

25 BY MR. BALLI:

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1 Q Let me show you what has been marked as
2 Defendant's Exhibit Number 23 and ask you if that will
3 refresh you memory. Does that refresh your memory,
4 sir?

5 A Here it says amount request for amount of I want
6 request.

7 Q Right. And how much money did you request?

8 A I can't request anything.

9 Q So you're saying that you did not request--

10 A No, sir.

11 Q -- \$200,000?

12 A No, sir.

13 Q That if somebody requested that amount for you, it
14 was the government requesting or an agent of the
15 government?

16 A Yes. Yeah. Maybe because I don't have access to
17 these papers, and I can't answer these questions.

18 Q Okay. Isn't it true that in addition to March of
19 2006, in December of 2005, you were arrested for
20 assaulting one of your family members?

21 A Yes, sir.

22 Q And who was that family member?

23 A My wife.

24 Q And isn't it true that in December of 2005, you
25 entered into a new agreement with the government?

1 A Yes, sir. Yes, sir.

2 Q As a matter of fact, on December 8, 2005, was when
3 you were arrested, correct?

4 A Yes, sir.

5 Q And isn't it true that less than a month later on
6 January 6th of 2006, you entered into a new agreement
7 with the government?

8 A Yes, sir.

9 Q And they entered into this agreement with you
10 knowing that you had been arrested, correct?

11 A Maybe. Yes.

12 Q Maybe. Did you advise them?

13 A Yes.

14 Q So they definitely did know, right?

15 A Yes, sir.

16 Q And they still entered into this agreement with
17 you?

18 A Yes.

19 Q So is it your understanding that even if you get
20 arrested for drugs and even if you get arrested for
21 assault and that's in violation of this agreement that
22 your agreement will not be terminated?

23 MR. USTYNOSKI: Objection, Your Honor.

24 He doesn't know where to go with that. He doesn't know
25 about time periods.

1 THE WITNESS: I don't have a clue on
2 that.

3 THE COURT: The objection is sustained.

4 BY MR. BALLI:

5 Q You have a formal agreement with the government?

6 A Uh-hum.

7 Q To not use drugs, correct?

8 A Yes.

9 Q And you have used drugs?

10 A Yes.

11 Q You have a formal agreement with the government to
12 not use violence, correct?

13 A Correct.

14 Q And you have used violence?

15 A Correct.

16 Q Do you have an informal agreement outside of this,
17 outside of these written agreements, that it's okay for
18 you to use violence and use drugs?

19 A No.

20 Q Did anybody at the DEA ever tell you that they
21 were getting ready to terminate their agreement with
22 you because of your drug use and because of violence?

23 A No, sir.

24 Q And who is the person that was your handler with
25 the DEA?

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1 A Before or after that?

2 Q Both times. Who have your handlers been?

3 A Before it was Richard -- I don't remember --

4 Sanchez, I think.

5 Q Yes, sir.

6 A And after the assault was J.J. Gomez.

7 Q And where is J.J. Gomez?

8 A Right here. That's him.

9 MR. BALLI: Pass the witness.

10 THE COURT: Mr. Ustynoski, anything
11 further?

12 MR. USTYNOSKI: No questions, Your
13 Honor.

14 THE COURT: All right. Thank you.

15 Thank you. You may step down.

16 THE WITNESS: Thank you.

17 (End of Testimony.)

18 CERTIFICATE

19 I, Leticia O. Gomez, Official Court Reporter,
20 certify that the foregoing is a correct transcript from the
21 record of the proceedings in the above-entitled matter.

22 WITNESS MY OFFICIAL HAND, this 16th day of
23 February, 2010.

24
25 /S/LETICIA GOMEZ
Leticia O. Gomez

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CSR: 4767

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